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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/508,771

06/09/2005

Mathias Rausch

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04/03/2008

FREESCALE SEMICONDUCTOR, INC.

LAW DEPARTMENT

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EXAMINER

GOEL, DINESH K

ART UNIT

PAPER NUMBER

4134

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/508,771	<b>Applicant(s)</b> RAUSCH ET AL.	
	<b>Examiner</b> DINESH GOEL	<b>Art Unit</b> 4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/9/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 7-9, 14-15 is/are rejected.
- 7) ☒ Claim(s) 3-6, 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/22/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 7, and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Burr (U.S. Patent Number 4701756).

**Referring to claim 1**, Burr teaches a self-routing communication network (Figure 5), comprising: a plurality of nodes ("6-13" in Figure 5); a plurality of star couplers each having a plurality of inputs and a plurality of outputs ("1-5" in Figure 5); and communication paths coupled between the plurality of star couplers and the plurality of nodes for communication therebetween of frames of information (Figure 5), wherein the communication paths include at least one alternative communication path (Column 5 Lines 46-48), Column 6 Lines 19-23), and the star couplers include means for sensing which of its inputs first receives a frame of information and for passing only the frame of information first received (Column 8 Lines 46-56).

**Referring to claim 7**, Burr further teaches the self-routing communication network of claim 1, wherein the network is based on a deterministic media access scheme (Column 8 Lines 49-50).

**Referring to claim 8**, Burr further discloses the self-routing communication network of claim 1, wherein the network is arranged for real-time communication (Column 5 Lines 24-45).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 9, 14, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr (U.S. Patent Number 4701756), and further in view of Elahmadi et al (U.S. Patent Number 6292464).

**Referring to claim 2**, Burr does not specifically teach the self-routing communication network of claim 1, wherein the frames of information each have a frame-start-sequence, and the star couplers further include means for changing the frame-start-sequence before outputting the frame such that an interconnection failure may be diagnosed by analyzing the frame-start-sequence.

Elahmadi et al teaches the use of a data header to communicate pertaining information (Abstract, Column 3 Lines 35-39)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Burr with the teachings of Elahmadi et al. The motivation would be the need for a new method and apparatus for inexpensively and easily determining fault condition and rerouting traffic between nodes in a communication network (Column 1 Lines 50-55).

**Referring to claim 9**, it additionally refers to a star coupler which is already taught by Burr ("1-5" in Figure 5). Rest of the claim limitations correspond to claim 2.

**Referring to claim 14**, the star coupler of claim 9 (taught by Burr and Elahmadi et al), wherein the network is based on a deterministic media access scheme (taught by Burr, Column 8 Lines 49-50).

**Referring to claim 15**, the star coupler of claim 9 (taught by Burr and Elahmadi et al), wherein the network is arranged for real-time communication (taught by Burr, Column 5 Lines 24-45).

***Allowable Subject Matter***

5. Claims 3-6 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINESH GOEL whose telephone number is (571)270-5201. The examiner can normally be reached on Monday-Friday 8:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lun Yi Lao can be reached on 571-272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. G./

Examiner, Art Unit 4134

/LUN-YI LAO/

Supervisory Patent Examiner, Art Unit 4134